

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

DONALD R. CAMERON, a California resident;  
and PURE SWEAT BASKETBALL, INC., an  
Illinois corporation, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

v.

APPLE INC., a California corporation,

Defendant.

Case No. 4:19-cv-03074-YGR

**THIRD SUPPLEMENTAL  
DECLARATION OF STEVEN PLATT  
OF ANGEION GROUP REGARDING  
SETTLEMENT AWARD PAYMENT  
CALCULATION**

PUBLIC REDACTED VERSION

1 I, Steven Platt, declare under penalty of perjury as follows:

2 1. I am a project manager at the class action notice and claims administration firm Angeion  
3 Group, LLC (“Angeion”), located at 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. I am  
4 over 21 years of age and am not a party to this action. Based on personal knowledge or discussions  
5 with other employees of Angeion of the facts set forth herein, if called as a witness, I could and  
6 would testify competently thereto.

7 2. This declaration is provided to assist the Court in understanding how estimated payments to  
8 Settlement Class members will be calculated depending on the amount the Court awards Class  
9 Counsel in attorneys’ fees. To illustrate, I will first address how payment amounts would be  
10 calculated if this Court were to award Class Counsel the requested attorney fee amount of \$27  
11 million. I will then address how payment amounts to Settlement Class members would change if the  
12 Court were to award different amounts in attorneys’ fees. My calculations are set forth in detail in  
13 the attached **Exhibit A**, which models estimated actual payments to Settlement Class members  
14 assuming attorney fee awards ranging from \$20 million to \$27 million and presuming the eligible  
15 claims as of June 7, 2022.

16 3. To calculate actual payment distributions for Settlement Class members, the first step is to  
17 calculate the net settlement fund available to the Settlement Class. This is done by deducting (a)  
18 attorney fees, litigation expenses, administrative expenses and Class representative service fee  
19 awards from (b) the gross cash settlement fund of \$100,000,000. The net settlement fund would be  
20 \$67,490,000 if this Court were to award \$27 million in attorneys’ fees.<sup>1</sup>

21 4. As reflected in **Exhibit A**, there were 8,428 eligible claims submitted by Settlement Class  
22 members as of the filing of my June 7, 2022 Second Supplemental Declaration. These claims cover  
23 all ten minimum payment tier amounts set forth in the Settlement Agreement, which range from \$250  
24 to \$30,000. If claimants were to receive only their minimum payment tier amount, total distributions  
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28 <sup>1</sup> See **Exhibit A** at “Net Settlement Fund Avail to Class” row.

to the Class would total \$16,389,250, which is less than the \$67,490,000 net settlement fund that would exist if attorneys' fees were awarded in an amount of \$27 million.<sup>2</sup>

5. To estimate actual payments to Settlement Class members, I calculate a payout multiplier that can be used to increase payments across all payment tiers, on a pro rata basis, up to the amount in the net settlement fund available for distribution. This is done by dividing the net settlement fund (\$67,490,000) by total payments if the minimum payments tiers had been used (\$16,389,250). This results in a payout multiplier of 4.12 (assuming a \$27 million attorney fee award).<sup>3</sup> Actual payments at each payment tier are then calculated by applying the payout multiplier to each minimum payment tier amount. As reflected in **Exhibit A**, with a 4.12 multiplier, actual estimated payments to Settlement Class members at each payment tier are roughly four times (412%) the minimum payment amount.<sup>4</sup>

6. These calculations can readily be replicated to account for different awards of attorneys' fees. If attorneys' fees are lower than \$27 million, this increases the net settlement fund amount that gets plugged into the equation described above. For example, if instead of awarding \$27 million in attorneys' fees, the Court were to award \$25 million (or 25% of the gross cash settlement fund), the net settlement fund would increase by \$2 million, resulting in a 4.24 payout multiplier (instead of 4.12). This higher multiplier modestly increases actual payments at each payment tier, as reflected in **Exhibit A**.

7. I will illustrate with a concrete example. The minimum payment tier under the Settlement Agreement is assigned to developers with \$100 or less in total U.S. App Store proceeds between June 4, 2015 and December 31, 2020. [REDACTED]

[REDACTED] falls within this first payment tier. If the Court awards \$27 million in attorneys' fees, developers at this minimum payment tier would receive (based on the current claims rate) an actual payment of **\$1,029.49**. If the Court were to instead award \$25 million in attorneys'

<sup>2</sup> See **Exhibit A** at "Estimated Payments at Each Tier Using Minimum Payment" column.

<sup>3</sup> See **Exhibit A** at "Proportional Increase Payout Multiplier Using Approved Claims as of 6/7/2022" row.

<sup>4</sup> See **Exhibit A** at "Actual Payments After Applying Payout Multiplier" column.

1 fees, developers at this minimum tier would receive an actual payment of **\$1,059.99**. If alternatively  
2 the Court were to award \$20 million in attorneys' fees, this minimum payment would be **\$1,136.26**.  
3 Put differently, reducing attorneys' fees by \$2 million would result in a **\$30.50** increase in the lowest  
4 minimum payment tier, and reducing fees by \$7 million would result in a **\$106.77** increase. These  
5 calculations are set forth in detail in the attached **Exhibit A**.

6 8. I further understand from Class Counsel **that Exhibits B and C** hereto are two  
7 demonstratives shared with the Court at the June 7, 2022 Final Approval hearing, and which the  
8 Court requested be filed.

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10 I hereby declare under penalty of perjury that the foregoing is true and correct.

11 Dated: June 8, 2022

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13 STEVEN PLATT  
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# EXHIBIT A

*Cameron v Apple*  
Interim Distribution Calculation Model  
Including Claims as of 6/7/2022

Fee Award ----->>>>>>>	\$27 million	\$26 million	\$25 million	\$24 million	\$23 million	\$22 million	\$21 million	\$20 million
Gross Cash Settlement Fund	\$ 100,000,000.00	\$ 100,000,000.00	\$ 100,000,000.00	\$ 100,000,000.00	\$ 100,000,000.00	\$ 100,000,000.00	\$ 100,000,000.00	\$ 100,000,000.00
Deductions:								
Attorney Fees	\$ (27,000,000.00)	\$ (26,000,000.00)	\$ (25,000,000.00)	\$ (24,000,000.00)	\$ (23,000,000.00)	\$ (22,000,000.00)	\$ (21,000,000.00)	\$ (20,000,000.00)
Litigation Expenses	\$ (3,500,000.00)	\$ (3,500,000.00)	\$ (3,500,000.00)	\$ (3,500,000.00)	\$ (3,500,000.00)	\$ (3,500,000.00)	\$ (3,500,000.00)	\$ (3,500,000.00)
Administration Expenses	\$ (2,000,000.00)	\$ (2,000,000.00)	\$ (2,000,000.00)	\$ (2,000,000.00)	\$ (2,000,000.00)	\$ (2,000,000.00)	\$ (2,000,000.00)	\$ (2,000,000.00)
Incentive/Service Awards (2@55k ea)	\$ (10,000.00)	\$ (10,000.00)	\$ (10,000.00)	\$ (10,000.00)	\$ (10,000.00)	\$ (10,000.00)	\$ (10,000.00)	\$ (10,000.00)
Net Settlement Fund Avail To Class	\$ 67,490,000.00	\$ 68,490,000.00	\$ 69,490,000.00	\$ 70,490,000.00	\$ 71,490,000.00	\$ 72,490,000.00	\$ 73,490,000.00	\$ 74,490,000.00
Proportional Increase Payout Multiplier								
Using Approved Claims as of 6/7/2022*	4.12	4.18	4.24	4.30	4.36	4.42	4.48	4.55

Fee Award----->>					\$27 million	\$27 million	\$26 million	\$26 million
Total U.S. App Store Proceeds (6/4/15-12/31/20)	Count of Eligible Application Developer Accounts	Count of Eligible Claims (including associated account Net Proceeds)**	Minimum Payment For Tier	Estimated Payments at Each Tier Using Minimum Payment***	Actual Payments After Applying Payout Multiplier	Total To Disburse	Actual Payments After Applying Payout Multiplier	Total To Disburse
\$100 or less			\$ 250.00	\$	\$ 1,029.49		\$ 1,044.74	
\$100.01 - \$1,000			\$ 500.00	\$	\$ 2,058.97		\$ 2,089.48	
\$1,000.01 - \$5,000			\$ 1,000.00	\$	\$ 4,117.94		\$ 4,178.96	
\$5,000.01 - \$10,000			\$ 1,500.00	\$	\$ 6,176.91		\$ 6,268.44	
\$10,000.01 - \$50,000			\$ 2,000.00	\$	\$ 8,235.89		\$ 8,357.92	
\$50,000.01 - \$100,000			\$ 3,500.00	\$	\$ 14,412.80		\$ 14,626.36	
\$100,000.01 - \$250,000			\$ 5,000.00	\$	\$ 20,589.72		\$ 20,894.79	
\$250,000.01 - \$500,000			\$ 10,000.00	\$	\$ 41,179.43		\$ 41,789.59	
\$500,000.01 - \$1,000,000			\$ 20,000.00	\$	\$ 82,358.86		\$ 83,579.18	
Over \$1,000,000			\$ 30,000.00	\$	\$ 123,538.29		\$ 125,368.76	
Total	67,440	8,428		\$ 16,389,250.00		\$ 67,490,000.00		\$ 68,490,000.00

Fee Award----->>					\$25 million	\$25 million	\$24 million	\$24 million
Total U.S. App Store Proceeds (6/4/15-12/31/20)	Count of Eligible Application Developer Accounts	Count of Eligible Claims (including associated account Net Proceeds)**	Minimum Payment For Tier	Estimated Payments at Each Tier Using Minimum Payment***	Actual Payments After Applying Payout Multiplier	Total To Disburse	Actual Payments After Applying Payout Multiplier	Total To Disburse
\$100 or less			\$ 250.00	\$	\$ 1,059.99		\$ 1,075.25	
\$100.01 - \$1,000			\$ 500.00	\$	\$ 2,119.99		\$ 2,150.49	
\$1,000.01 - \$5,000			\$ 1,000.00	\$	\$ 4,239.97		\$ 4,300.99	
\$5,000.01 - \$10,000			\$ 1,500.00	\$	\$ 6,359.96		\$ 6,451.48	
\$10,000.01 - \$50,000			\$ 2,000.00	\$	\$ 8,479.95		\$ 8,601.98	
\$50,000.01 - \$100,000			\$ 3,500.00	\$	\$ 14,839.91		\$ 15,053.46	
\$100,000.01 - \$250,000			\$ 5,000.00	\$	\$ 21,199.87		\$ 21,504.95	
\$250,000.01 - \$500,000			\$ 10,000.00	\$	\$ 42,399.74		\$ 43,009.90	
\$500,000.01 - \$1,000,000			\$ 20,000.00	\$	\$ 84,799.49		\$ 86,019.80	
Over \$1,000,000			\$ 30,000.00	\$	\$ 127,199.23		\$ 129,029.70	
Total	67,440	8,428		\$ 16,389,250.00		\$ 69,490,000.00		\$ 70,490,000.00

Fee Award----->>					\$23 million	\$23 million	\$22 million	\$22 million
Total U.S. App Store Proceeds (6/4/15-12/31/20)	Count of Eligible Application Developer Accounts	Count of Eligible Claims (including associated account Net Proceeds)**	Minimum Payment For Tier	Estimated Payments at Each Tier Using Minimum Payment***	Actual Payments After Applying Payout Multiplier	Total To Disburse	Actual Payments After Applying Payout Multiplier	Total To Disburse
\$100 or less			\$ 250.00	\$	\$ 1,090.50		\$ 1,105.76	
\$100.01 - \$1,000			\$ 500.00	\$	\$ 2,181.00		\$ 2,211.51	
\$1,000.01 - \$5,000			\$ 1,000.00	\$	\$ 4,362.01		\$ 4,423.02	
\$5,000.01 - \$10,000			\$ 1,500.00	\$	\$ 6,543.01		\$ 6,634.53	
\$10,000.01 - \$50,000			\$ 2,000.00	\$	\$ 8,724.01		\$ 8,846.04	
\$50,000.01 - \$100,000			\$ 3,500.00	\$	\$ 15,267.02		\$ 15,480.57	
\$100,000.01 - \$250,000			\$ 5,000.00	\$	\$ 21,810.03		\$ 22,115.11	
\$250,000.01 - \$500,000			\$ 10,000.00	\$	\$ 43,620.06		\$ 44,230.21	
\$500,000.01 - \$1,000,000			\$ 20,000.00	\$	\$ 87,240.11		\$ 88,460.42	
Over \$1,000,000			\$ 30,000.00	\$	\$ 130,860.17		\$ 132,690.64	
Total	67,440	8,428		\$ 16,389,250.00		\$ 71,490,000.00		\$ 72,490,000.00

Fee Award----->>					\$21 million	\$21 million	\$20 million	\$20 million
Total U.S. App Store Proceeds (6/4/15-12/31/20)	Count of Eligible Application Developer Accounts	Count of Eligible Claims (including associated account Net Proceeds)**	Minimum Payment For Tier	Estimated Payments at Each Tier Using Minimum Payment***	Actual Payments After Applying Payout Multiplier	Total To Disburse	Actual Payments After Applying Payout Multiplier	Total To Disburse
\$100 or less			\$ 250.00	\$	\$ 1,121.01		\$ 1,136.26	
\$100.01 - \$1,000			\$ 500.00	\$	\$ 2,242.02		\$ 2,272.53	
\$1,000.01 - \$5,000			\$ 1,000.00	\$	\$ 4,484.04		\$ 4,545.05	
\$5,000.01 - \$10,000			\$ 1,500.00	\$	\$ 6,726.06		\$ 6,817.58	
\$10,000.01 - \$50,000			\$ 2,000.00	\$	\$ 8,968.07		\$ 9,090.10	
\$50,000.01 - \$100,000			\$ 3,500.00	\$	\$ 15,694.13		\$ 15,907.68	
\$100,000.01 - \$250,000			\$ 5,000.00	\$	\$ 22,420.18		\$ 22,725.26	
\$250,000.01 - \$500,000			\$ 10,000.00	\$	\$ 44,840.37		\$ 45,450.52	
\$500,000.01 - \$1,000,000			\$ 20,000.00	\$	\$ 89,680.74		\$ 90,901.05	
Over \$1,000,000			\$ 30,000.00	\$	\$ 134,521.10		\$ 136,351.57	
Total	67,440	8,428		\$ 16,389,250.00		\$ 73,490,000.00		\$ 74,490,000.00

\*The Payout Multiplier is determined by dividing the Net Settlement Fund Available to Class Members by the Total Estimated Payments.

\*\*Eligible Claims may include more than one developer account. As set forth in my Second Supplemental Declaration, there are 8,910 unique developer accounts covered by the 8,428 Eligible Claims represented in this column.

\*\*\*The Total Estimated Payments is the sum of the Estimated Payments at each payment tier, which is the product of the minimum payment for each tier times the eligible claims made at that tier as of 6/7/2022.

# **EXHIBIT B**

# Estimated Apple Developer Settlement Distributions

TOTAL U.S. APP STORE PROCEEDS (6/4/15-12/31/20)	MINIMUM PAYMENT	PRELIMINARY ESTIMATE FOR ACTUAL PAYMENT
\$100 or less	\$250.00	\$1,029.49
\$100.01 - \$1,000	\$500.00	\$2,058.97
\$1,000.01 - \$5,000	\$1,000.00	\$4,117.94
\$5,000.01 - \$10,000	\$1,500.00	\$6,176.91
\$10,000.01 - \$50,000	\$2,000.00	\$8,235.89
\$50,000.01 - \$100,000	\$3,500.00	\$14,412.80
\$100,000.01 - \$250,000	\$5,000.00	\$20,589.72
\$250,000.01 - \$500,000	\$10,000.00	\$41,179.43
\$500,000.01 - \$1,000,000	\$20,000.00	\$82,358.86
Over \$1,000,000	\$30,000.00	\$123,538.29



# **EXHIBIT C**

## Timeline of Notice Efforts

DATE	NOTICE EFFORT
January 13, 2022	<b>Settlement website</b> established
January 13, 2022	<b>Toll-free settlement hotline</b> established
January 14, 2022	<b>Direct email notice</b> to 62,237 email addresses of potential class members
January 14, 2022	<b>Direct postcard notice</b> to 67,484 physical address of potential class members
January 18, 2022	<b>Resent direct email notice</b> to 2,597 email addresses that resulted in a soft bounce
✓ February 28, 2022	<b>Direct reminder email notice</b> to 140,915 email addresses of potential class members who had not filed claim
March 7, 2022	<b>Press release</b> via Business Wire
✓ March 10, 2022	<b>Direct outbound calling campaign</b> to potential class members began, successfully delivering message to 15,177 points of contact by April 27, 2022
✓ March 14, 2022	<b>Resent direct reminder email notice</b> to 2,150 email addresses that resulted in a soft bounce
✓ April 6, 2022	<b>Targeted social media campaign</b> began, utilizing Facebook, Instagram, and LinkedIn (as of April 28: 91,852 ads had been placed)
✓ April 19, 2022	<b>Direct second reminder email notice</b> to 133,547 email address of potential settlement class members
✓ April 22, 2022	<b>Direct reminder postcard notice</b> to 61,584 physical address of potential class members
May 20, 2022	<b>Deadline to submit claim form</b>